



Docket No: K-074

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Yoo Sok SAW :
Serial No. 09/223,729 : Group Art Unit: 2662
Confirm. No. 3383 : Examiner: J. Logsdon
Filed: December 31, 1998 : Customer No: 34610
For: VIDEO DATA RESENDING METHOD :

REQUEST FOR RECONSIDERATION

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Sir:

The following remarks are submitted in response to the non-final Office Action mailed on December 30, 2003 in connection with the above-identified application. A Petition for Extension of Time is submitted herewith to make the filing of this paper timely.

Claims 1-22, 24, 25, 27, 28, and 30-33 are pending.

In the Office Action, the pending claims were rejected under 35 USC §112, first paragraph, for failing to enable the subject matter recited therein. Specifically, the Examiner indicated that the specification does not describe how to form the resend request to include information identifying a storage area where the requested data is stored. Applicant traverses this rejection for the following reasons.

In order to satisfy the enablement requirement, the specification must provide a description sufficient to enable one skilled in the art to make and use the claimed invention without undue experimentation. See MPEP §2164. In satisfying this requirement, the MPEP further provides the fact that some experimentation is required does not justify rejecting a claim under §112, first paragraph. Rather, the enable requirement is not satisfied only when the amount of experimentation required to make or use the claimed invention is so substantial that it is regarded as being unreasonable. See MPEP§ 2164.01.

Put differently, the Federal Circuit and its predecessor court have made clear that the specification is not required to teach every detail of the invention in order to be considering enabling, i.e., the test of enablement is not whether experimentation is necessary but whether the experimentation is undue. The definition of "undue" has further been adjudicated, i.e., experimentation is "undue" only if it requires ingenuity beyond that expected of one skilled in the art. *Id.* See, e.g., *In re Borkowski*, 164 USPQ 642 (CCPA 1970) and *In re Wands*, 8 USPQ.2d 1400 (Fed. Cir. 1988).

Thus, when applied to the present case, the central question is whether one skilled in the art would know from reading the specification how to form the resend request to include information identifying a storage area where requested data is stored, without performing undue experimentation - without exercising ingenuity beyond that of one skilled in the art. Applicant submits that the specification provides a description sufficient to satisfy the enablement requirement.

Claim 1 recites receiving a resend request message of data received in error. The resend request message includes "information identifying a storage area where the requested data is stored." The resend request message may be further understood with reference to the non-limiting, illustrative embodiment of Figure 4. Here, an AL3 sending entity sends data QDC(*) and QAC(*) to an AL3 receiving entity. (Step S100). The data is stored in a CONTRXPAND buffer coupled to the AL3 sending entity. Use of this buffer is advantageous in that it stores the sent data in unique locations defined by memory address (TR) and range (K) values.

When the AL3 receiving entity receives data and determines that all or a portion of the data is to be resent (because, for example, all or a portion of that data was lost), the AL3 receiving entity transmits a resend request message. This message includes the TR and K values corresponding to the data to be resent. (Step S200).

In rejecting the claims, the Examiner essentially indicated that the specification does not describe how the TR and K values reach the AL3 receiving entity. Applicant submits that one skilled in the art would know how to transfer the TR and K values from the AL3 sending entity to the AL3 receiving entity without having to perform undue experimentation.

For example, the specification discloses that the CONTRXPAND buffer is partitioned into blocks each of which includes memory regions QDCn, QACn. (See page 11, lines 24-26). The specification further discloses that each block memory region in the buffer includes block-unit header codes and macro block-unit macro header codes which are used to further identify the location of data stored in the buffer. (See page 12, lines 5-10).

The specification further provides that each block includes a resending memory region for storing data in response to a selective resending process. Each of these blocks store data based on TR and K values, where TR represents the memory address or block number of data to be sent and R represents the range of data to be included in a sending request. (See page 14, lines 11-19).

In operation, when the AL3 receiving entity does not completely receive sent data, a video decoder and the AL3 receiving entity generates a resending request along with a position of the data to be resent. (See page 13, lines 23-28). This information corresponds to the TR and K (memory address and range) values of the data to be resent. When the AL3 sending entity receives this information, it resends data stored at the memory locations in the buffer corresponding to the TR and K values in resending request. (See page 14, lines 11-19).

Those skilled in the art would know how to transfer the TR and K values with the data sent to the AL3 receiving entity. For example, the specification discloses that video data is often transmitted in the form of packets. (See, e.g., page 10, lines 14-21). By definition, packets include at least a header portion and a payload portion. Those skilled in the art further recognize that the payload portion stores data and the header is reserved to store additional management, status, and protocol information including destination information, address information as well as other information. To enable the invention defined in claimed 1, a person skilled in the art may include the TR and K values in the header portion of each video data packet sent to the AL3 receiving entity, and this may readily be accomplished without undue experimentation.

According to another approach, those skilled in the art know that various management information may be sent along separate channels between a sending and receiving entity. In making or using the invention, one skilled in the art may send the TR and K values to a separate channel between the AL3 sending and receiving entities. This may also be readily accomplished without undue experimentation.

The aforementioned techniques are just some of the ways one skilled in the art may send the "information identifying a storage area where the requested data is stored" recited in claim 1, so that the requested data could be resent in accordance with the claimed invention. Other techniques may also be apparent and thus the foregoing techniques should not be regarded as being limiting of the invention.

Claims 5, 13, and 28 are also enabled by the specification for similar reasons:

For at least the foregoing reasons, reconsideration and withdrawal of the §112, first paragraph, rejection is respectfully requested. Applicant further submits that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186

Samuel W. Ntiros
Registration No. 39,318

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK/SWN:bch
Date: June 25, 2004

Please direct all correspondence to Customer Number 34610